

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

VERNON J. PEARSON, III,

Plaintiff,

v.

Case No. 8:20-cv-1151-T-60CPT

RON DESANTIS,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Christopher P. Tuite, United States Magistrate Judge, entered on November 24, 2020. (Doc. 13). Judge Tuite recommends Plaintiff's construed motion for leave to proceed *in forma pauperis* (Doc. 8) be denied, and that his amended complaint (Doc. 7) be dismissed with prejudice due to Plaintiff's failure to correct previously identified deficiencies and his failure to state a claim upon which relief can be granted. Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S.*

Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Tuite's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's *in forma pauperis* motion is denied. The amended complaint is dismissed with prejudice.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Tuite's report and recommendation (Doc. 13) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's construed motion for leave to proceed *in forma pauperis* (Doc. 8) is hereby **DENIED**.
- (3) The amended complaint (Doc. 7) is **DISMISSED WITH PREJUDICE**.
- (4) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 9th day of December, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE